761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DATE: April 8, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: MARILYN E. BAKER, CAPTAIN
EAST LOS ANGELES STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, AUGUST 8, 2004, REVIEW #2125636**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on August 8, 2004.

The Committee met on April 5, 2005, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department), Robert Binkley (FOR III) and Eric Smith (Leadership and Training Division). The Committee determined that the use of force by Deputies Hugo Ramos #[redacted] Oscar Lopez #[redacted] Daniel Farrell #[redacted] Frank Alvarado #[redacted] and Sean Banks #[redacted] was within Department policy. **Please advise the deputies of this finding.**

JGJ:KRK:kk

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Supplemental Report by Deputy Lopez.

B Supplemental Report by Deputy Alvarado.
Supplemental Report by Deputy Farrell.
Supplemental Report by Deputy Ramirez.
Supplemental Report by Deputy Arrellano.
Supplemental Report by Deputy Ramirez.
Supplemental Report by Deputy Banks.
Supplemental Report by Detective Sanchez.

C DDWS for Unit 23 E.M. Shift. Incident details for Tag 48 fro August 8, 2004.

D Video tape taken by East Los Angeles Station personnel while at the location, but after the fight was over.

E Booking Documents and Criminal History for Suspect Hernandez.

MISCELLANEOUS DOCUMENTS

1. East Los Angeles Station In-Service Report for August 8, 2004, EM Shift.
2. Employee Injury Report for Deputy Ramos.
3. Chief's Memo by Lieutenant Art Lucas.

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 504-09548-0283-057	Date: 08/08/04	Time: 0300 HRS.
Location: [redacted] S. McDonnell Avenue, L. A. 90022		
City or Station: Los Angeles 90022 - East Los Angeles Station		
Bureau/Station/Facilty: FOR #1/ East Los Angeles Station	Admin. Investigation? Yes ☐ No ☑	

Employee Witnesses

Emp #	Last Name	First Name	Middle Name
			A

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	18	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	51	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	20	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident?
[redacted]	Arellano	Jesus	A.	SGT.	Yes ☑ No ☐	Yes ☑ No ☐
			J.	SGT.	Yes ☑ No ☐	Yes ☑ No ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	MORENO,	ABEL	NMI

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	SISNEROS	GREG	

Watch Commander's Signature: ____________________ Emp. #: ________

Copy Provided to Employee By: Jesus A. Arellano [signature] Emp. #: [redacted]

Supervisor Completing Form: Jesus A. Arellano Emp. #: [redacted]

(Print) Emp. #: Date Signed:

Unit Commanders Signature: ____________________

PSTD Use Only

FO# F0212S636

Original: Unit Commander
Copy: P.S.T.D. Headquarters
Employee

SH-R-438 Rev. 10/98

Supervisor's Report on Use of Force

URN. 504-09548-0283-057

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

Force Applied

(Only One Code Per Block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC	NN	
S #1	E#1	OB	BR	LE
S#1	E#1	OB	AB	LE
S#1	E#1	OB	SD	LE
S#1	E#1	PH	AB	AR
S#1	E#2	UC	NN	
S#1	E#2	PH	CP	NO
S#1	E#2	RS	NN	
S#1	E#3	UC	NN	
S#1	E#3	RS	NN	
S#1	E#3	PK	NN	
S#1	E#4	RS	NN	
S#1	E#4	PH	NN	
S#1	E#5	UC	NN	
S#1	E#5	RS	NN	
S#1	E#5	PK	NN	

upervisor's Report on Use of For
Involved Employee Information

URN. 504-09548-0283-057

Involved Employee

E 1

Employee #	Last Name	First Name	Middle Name
[redacted]	RAMOS	HUGO	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☑ Male ☐ Female	H.	EAST LOS ANGELES STATION	PATROL UNIT 23

Shift		Age	Height	Weight
☑ EM ☐ AM ☐ PM	☑ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 08"	160 LBS.

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☑	U. S. HEALTHWORKS		Directed Force ☐ Significant Force ☑

E 2

Employee #	Last Name	First Name	Middle Name
[redacted]	LOPEZ	OSCAR	NMI

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☑ Male ☐ Female	H	EAST LOS ANGELES STATION	PATROL UNIT 23

Shift		Age	Height	Weight
☑ EM ☐ AM ☐ PM	☑ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	195

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☐			Directed Force ☐ Significant Force ☑

E 3

Employee #	Last Name	First Name	Middle Name
[redacted]	FARRELL	DANIEL	NMI

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☑ Male ☐ Female	W	EAST LOS ANGELES STATION	PATROL UNIT 22A

Shift		Age	Height	Weight
☐ EM ☐ AM ☑ PM	☑ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	604	235

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☐			Directed Force ☐ Significant Force ☑

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	ALVARADO	FRANK	NMI

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☑ Male ☐ Female	H	EAST LOS ANGELES STATION	PATROL UNIT 24A

Shift		Age	Height	Weight
☐ EM ☐ AM ☑ PM	☑ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	603	210

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☐			Directed Force ☐ Significant Force ☑

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	BANKS	SEAN	NMI

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☑ Male ☐ Female	H	EAST LOS ANGELES STATION	PATROL UNIT 23A

Shift		Age	Height	Weight
☐ EM ☐ AM ☑ PM	☑ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	190

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☐			Directed Force ☐ Significant Force ☑

E

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ AM ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	
☐			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
Suspect Information

URN. 504-09548-0283-057

Suspect Information

S 1

Last Name	First Name	Middle Name
HERNANDEZ	Jose	GUADALUPE
AKA Last Name	AKA First Name	AKA Middle Name

Sex	Race	Street Address	City	State & Zip Code
☑ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone	Home Phone	Age	Height	Weight	D.O.B.	Armed?
[redacted]	[redacted]	52	5' 08"	160 LBS.	09-29-51	☑

Booking #	Primary Charge	Secondary Charge	Criminal History?
8229840	245(C)PC	11550 H&S	[redacted]

Hospital Admission?	Rec'd Treatment At	Coroners Case #	Mental History?
☑	LCMC JAIL WARD		☐

Under Influence?	Substance	Photos of Suspects Injuries?
☑ YES ☐ NO	ALCOHOL / METHAMPHETAMINE	☑ YES ☐ NO

Suspect Interview

Date	Time	Audiotape	Videotape
08/08/04	0345	☐	☑

Suspect Information

S

Last Name	First Name	Middle Name
AKA Last Name	AKA First Name	AKA Middle Name

Sex	Race	Street Address	City	State & Zip Code
☐ Male ☐ Female				

Work Phone	Home Phone	Age	Height	Weight	D.O.B.	Armed?
						☐

Booking #	Primary Charge	Secondary Charge	Criminal History?
			☐

Hospital Admission?	Rec'd Treatment At	Coroners Case #	Mental History?
☐			☐

Under Influence?	Substance	Photos of Suspects Injuries?
☐ YES ☐ NO		☐ YES ☐ NO

Suspect Interview

Date	Time	Audiotape	Videotape
		☐	☐



pervisor's Report on Use of For

URN. 504-09548-0283-057

Non-Employee Witnesses (continuation)

Last Name	First Name	Middle Name	Street Address	City	Zip Code	Work Phone	Home Phone
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

USE OF FORCE REVIEW - FRACTURED LEG
FO2125636
504-09548-0283-057

Date: **Sunday, August 8, 2004, @ 3:10 AM**

Location: [redacted] **S. McDonnell Avenue, East Los Angeles**

Investigator: **Sergeant Brian Morris** [redacted]

Involved Deps: **Hugo Ramos** [redacted]
Oscar Lopez [redacted]
Frank Alvarado [redacted]

Deputies from East Los Angeles Station responded to a Family Disturbance call at [redacted] Upon arriving at the location they encountered a 52-year-old male Hispanic, who appear to be under the influence of methamphetamine. Upon contacting the male, he charged at the deputies and a fight ensued. During the fight the suspect was pepper sprayed, Tazered, struck with an expandable straight baton, struck with a flashlight, and kicked several times, before ultimately being subdued and handcuffed. Once he was handcuffed, he continued to kick the deputies, so he was further controlled by the application of a Rip-Hobble.

The male was taken to County U.S.C. Medical Center where he was treated for abrasions, contusions, a small laceration, and fractures to his left arm and right ankle.

STATEMENTS:

The two deputies who were initially involved in this incident were Deputies Hugo Ramos and Oscar Lopez. Each deputy wrote a separate report detailing his involvement in this incident, Deputy Ramos wrote the Incident Report and Deputy Lopez wrote a Supplemental Report (**Exhibit-A**). The two deputies gave substantially the same account of the incident.

On August 8, 2004, Deputies Ramos and Lopez were working East Los Angeles Station, Unit 23 - Early Morning Shift, from 10:00 PM until 6:00 AM. Deputy Ramos was driving and Deputy Lopez was the passenger. At approximately 2:49 AM, they received a call of a Family Disturbance at [redacted] (tag 48). The call stated that the drunk [redacted] was at the location refusing to leave. The deputies arrived at the location within two minutes and immediately observed a male Hispanic (Jose Hernandez - 52) standing on the front porch of the house. The deputies stated the porch of the house was approximately eight feet long and four feet wide and was completely closed by wrought iron fencing. They said there was also several potted plants on plant stands within the enclosed patio.

The deputies stated they first contacted Mr. Hernandez from approximately 10 feet away, but instead of noting symptoms of alcohol intoxication, it was their believe he exhibited signs of stimulant intoxication, in that his speech was rapid, he was sweating profusely, he appeared nervous and excitable, he appeared paranoid, and was apparently hallucinating because he was talking to someone who was not there.

Deputy Ramos stated that he asked the suspect to step off the porch and approach their radio car, so they could talk to him. However, the suspect refused and stated he was not leaving.

The deputies said Mr. Hernandez' [redacted] came to the wrought iron security screen door and told the deputies her [redacted] had not lived at the location for over a year. She said he was a narcotics user. She also said she wanted him arrested for trespassing. The deputies talked to Mr. Hernandez for approximately three to five minutes in an effort to resolve the situation. As their dialogue with Mr. Hernandez continued, they stepped onto the enclosed front porch. Deputy Ramos reported that upon doing so, Mr. Hernandez immediately charged at them, then took a boxer's stance in front of them. He stated he heard Deputy Lopez yell, "Tazer," then shot Hernandez with his M-26 Tazer. Deputy Ramos stated he simultaneously pepper sprayed Hernandez with a 2 - 3 second burst of spray. Deputy Ramos stated that at this time he also requested assistance via his radio.

Regarding this same part of the incident, Deputy Lopez reported that when Hernandez charged at him, he (Hernandez) was waving his arms in the air. Deputy Lopez stated when Hernandez got to within 6 - 7 feet from him, he thought Hernandez was going to assault him, so he "Tazered" him.

Deputy Ramos said Mr. Hernandez took several steps back, but neither the Tazer nor the pepper spray seemed to have a noticeable effect on him. He reported that Hernandez ripped the Tazer darts from his body and charged at them again.

Deputy Lopez reported that prior to Hernandez ripping the darts from his body, he (Deputy Lopez) deployed a second burst of current from the Tazer.

Both deputies reported that when Hernandez got to within 2 - 3 feet of them, he picked up a metal plant stand and began swinging it at Deputy Ramos. Hernandez struck Deputy Ramos on the right shin with the plant stand, then attempted to swing it at him again. Deputy Lopez reported that when this happened he struck Hernandez 5 -10 times on the left arm and shoulder with his expandable straight baton, in an attempt to get Hernandez to drop the plant stand. Deputy Ramos reported that the baton strikes caused Hernandez to drop the plant stand. However, Deputy Lopez reported that he felt his strikes were ineffective because of the enclosed area of the porch. Deputy Lopez said he inadvertently struck the side of the porch with the baton, which caused him to drop it. He reported that Hernandez dropped the plant stand, but continued to walk toward them. Deputy Ramos reported that during this time Hernandez was swinging his arms at them.

The deputies stated that during this time Hernandez slipped on debris and fell to his knees. Both deputies approached Hernandez in order to restrain him; however, Hernandez continued to punch at them. Deputy Ramos reported that he struck Hernandez five to ten times in the torso with his flashlight. Deputy Lopez reported that he also struck Hernandez five to ten times with his flashlight on the right arm, but while doing so Hernandez grabbed his flashlight and attempted to take it from him. Deputy Lopez stated that he yelled to Deputy Ramos that Hernandez had his flashlight and the two deputies continued to struggle for control of the light.

At this time Deputies Sean Banks (Unit 23-A) and Frank Alvarado (Unit 24-A) arrived at the location. Deputy Lopez reported that once the additional deputies arrived, they continued to struggle with Hernandez. He reported Deputy Alvarado kicked Hernandez several times in the torso in an attempt to control him.

Deputies Ramos and Lopez reported that eventually Deputies Banks and Ramos were able to force Hernandez's hands behind his back and handcuff him. Hernandez continued to struggle after being handcuffed, so he was restrained with a Rip-Hobble by Deputy Daniel Farrell.

> **I.A.B. Note:** The Video tape of the location and of Suspect Hernandez which was taken by Sergeant Arellano **(Exhibit-D)** depicts the porch, plant stand, and Hernandez consistent with the information provided by the deputies.

Deputy Frank Alvarado stated that he went to the location in response to Deputy Ramos' broadcast of being involved in a fight. He stated that when he arrived at the location he heard Deputy Lopez yelling, "He's got my flashlight." Deputy Alvarado described Deputy Lopez's voice as "desperate."

Deputy Alvarado stated that he ran to the porch. He described the porch essentially the same as Deputies Ramos and Lopez did. He stated that as he approached the porch he saw Hernandez lying on his stomach with his left hand under his stomach and out of view. He stated that Hernandez had a tight grip on Deputy Lopez's flashlight and Deputy Lopez was attempting to hold on to the other end of the flashlight with both hands. He said Deputy Lopez was breathing shallow. Deputy Alvarado said Hernandez was twisting his body in an effort to gain leverage and get the flashlight. Deputy Alvarado stated he saw Deputy Ramos straddling Hernandez's legs in an attempt to immobilize his lower body. He stated that Deputy Sean Banks (who arrived before him) was grabbing Hernandez's right hand in an unsuccessful attempt to release his grip on the flashlight and gain control of the hand to handcuff him.

Deputy Alvarado said in an attempt to control Hernandez, he (Deputy Alvarado) kicked Hernandez approximately five time in the upper back with the heel of his right foot. He stated the initial kicks were not effective, so he kicked him about five more times.

Deputy Alvarado stated that subsequent to the additional kicks, Deputy Banks was able to gain control of Hernandez's hands and handcuff him.

Deputy Sean Banks stated that he went to the location in response to Deputy Ramos' broadcast of being involved in a fight. Deputy Banks stated that upon his arrival at the location he saw Deputies Ramos and Lopez struggling to gain control of Hernandez as he (Hernandez) lay struggling on the ground. His said Hernandez's right side was against the wrought iron door which enclosed the porch. He said as he ran toward the fight, he heard Deputy Lopez yell, "He's got my flashlight."

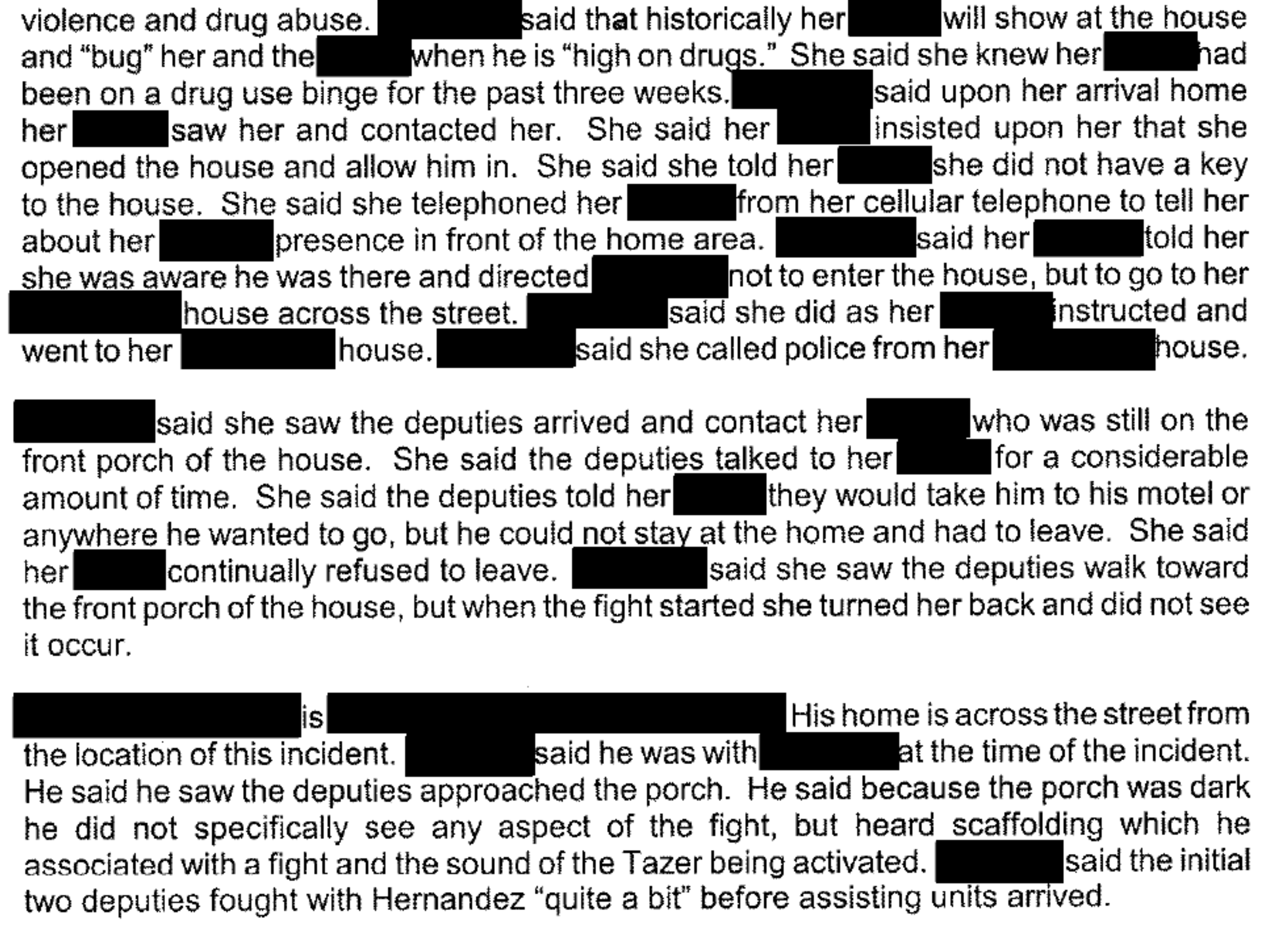
Deputy Banks stated that he saw Hernandez holding the flashlight with his left hand as Deputy Ramos and Deputy Lopez attempted to gain control of his left arm. He stated that he saw Hernandez's right hand under his body and out of view. Deputy Banks stated that he attempted to gain control of Hernandez's right arm and while doing so, he continually told Hernandez to stop resisting. Deputy Banks reported seeing Deputy Alvarado kick Hernandez several times. Deputy Banks' report of this was consistent with the information provided by Deputy Alvarado. Deputy Banks said he was able to struggle Hernandez's right hand behind his back and handcuff him. Deputy Banks also reported witnessing Deputy Farrell apply the Rip-Hobble to Hernandez's legs because Hernandez was violently kicking at them.

Deputy Daniel Farrell stated that he and his [redacted] (Deputy [redacted] went to the location in response to Deputy Ramos' broadcast of being involved in a fight. He stated that upon his arrival, Hernandez was already handcuffed and lying face down on the ground, but was kicking violently. Deputy Farrell stated that at the direction of Deputy Ramos, he applied a Rip-Hobble Restraint to Hernandez's legs in order to prevent him from kicking them.

[redacted] is the [redacted] of Suspect Hernandez. Mrs. [redacted] said she was standing at her front security door when the deputies arrived and contacted her [redacted] Mrs. [redacted] said the deputies talked to her [redacted] on the porch and asked him to leave. She said the deputies offered her [redacted] a ride to the motel where he had been staying. She said her [redacted] refused to leave the location. She said she didn't see her [redacted] hit any of the deputies, but heard a struggle. She said from where she was standing she was not able to see the fight.

[redacted] is the 18 year old [redacted] of Suspect Hernandez. [redacted] said he was home when the incident occurred. He said his [redacted] came to the house and was trying to gain entry, but he and his [redacted] did not want to let him in because he was "on drugs." He said he did not see the fight.

[redacted] is the 20 year old [redacted] of Suspect Hernandez. She said she arrived home after being out with her friends and saw her [redacted] sitting on the front porch of the house. She said her [redacted] did not live with them because he has a history of



violence and drug abuse. [redacted] said that historically her [redacted] will show at the house and "bug" her and the [redacted] when he is "high on drugs." She said she knew her [redacted] had been on a drug use binge for the past three weeks. [redacted] said upon her arrival home her [redacted] saw her and contacted her. She said her [redacted] insisted upon her that she opened the house and allow him in. She said she told her [redacted] she did not have a key to the house. She said she telephoned her [redacted] from her cellular telephone to tell her about her [redacted] presence in front of the home area. [redacted] said her [redacted] told her she was aware he was there and directed [redacted] not to enter the house, but to go to her [redacted] house across the street. [redacted] said she did as her [redacted] instructed and went to her [redacted] house. [redacted] said she called police from her [redacted] house.

[redacted] said she saw the deputies arrived and contact her [redacted] who was still on the front porch of the house. She said the deputies talked to her [redacted] for a considerable amount of time. She said the deputies told her [redacted] they would take him to his motel or anywhere he wanted to go, but he could not stay at the home and had to leave. She said her [redacted] continually refused to leave. [redacted] said she saw the deputies walk toward the front porch of the house, but when the fight started she turned her back and did not see it occur.

[redacted] is [redacted] His home is across the street from the location of this incident. [redacted] said he was with [redacted] at the time of the incident. He said he saw the deputies approached the porch. He said because the porch was dark he did not specifically see any aspect of the fight, but heard scaffolding which he associated with a fight and the sound of the Tazer being activated. [redacted] said the initial two deputies fought with Hernandez "quite a bit" before assisting units arrived.

Suspect Hernandez was interviewed about the incident. He said he was resting on the porch and denied drinking or being on drugs at the time of the incident.

> **I.A.B. Note:** The video tape taken subsequent to the incident (**Exhibit-D**) shows Hernandez being treated by paramedics and at the hospital. Hernandez appears to be heavily intoxicated.

Hernandez admitted that he had used cocaine on the day before the incident, but refused to make any other statements. He stated that he would "talk in court."

Hernandez was later interviewed by Detective Jacob Sanchez, of East Los Angeles Station. Detective Sanchez submitted a Supplementary Report detailing the interview (Exhibit-B). Hernandez told Detective Sanchez he struck one of the deputies on the leg three or four times with a piece of metal. He acknowledged that the deputies used force on him because he was "resisting" them.

INJURIES:

Deputy Ramos sustained a minor lacerations to his right shin and right forearm. He did not receive medical treatment. His injuries are documented in the video tape (Exhibit-D).

Suspect Hernandez was treated at County U.S.C. Medical Center Jail Ward for fractures to his upper left arm and right ankle. A small laceration on his right palm, and minor abrasions on his face, stomach, and lower legs.

Given the amount and variety of force used, the specific cause of the injuries was not determined. The involved deputies reported the application of several types of force to each of the injured areas.

PROSECUTION:

Suspect Hernandez had multiple charges filed against him in East Los Angeles Court (Court Case #4EL06768).

602.5 P.C.	Trespassing.
11550 H&S	Under the influence of drugs.
148(a) P.C.	Obstructing a Police Officer.
243(c)(2) P.C.	Battery on a Police Officer

On August 30, 2004, the case was adjudicated through a plea bargain agreement. Suspect Hernandez pled guilty to Trespassing and Drunk in Public. He was placed on formal probation. All other charges were dismissed.